

**Remarks/Arguments:**

***Status of the Application***

In the present response, claims 10 and 15 have been cancelled so that claims 1-5, 8-9 and 11-14 are pending.

Any amendments herein have been made without prejudice to Applicants' right to prosecute any cancelled subject matter in a timely filed continuation application.

No new matter is added.

**Rejections Under 35 U.S.C. § 112 first paragraph**

Claims 10 and 15 were rejected under 35 USC 112, first paragraph as allegedly failing to comply with the enablement requirement. Applicants have cancelled claims 10 and 15 thereby rendering this rejection moot. Accordingly, Applicants respectfully request the Office to withdraw this rejection.

**Rejections Under 35 U.S.C. § 103(a)**

Claims 1-5 and 8 were rejected under 35 U.S.C. § 103(a) as unpatentable over Brown et al., U.S. Patent No. 7,253,173. Applicants, however, respectfully assert the '173 patent is disqualified as prior art. More specifically, Applicants assert the '173 patent is only available as prior art under 102(e) because the present application claims foreign priority to Swedish application No. 0400027-9 filed January 9, 2004, which is several months before the '193 patent published as WO2004/041802 on May 21, 2004. As the '173 patent is only available as 102(e) prior art and the present application and the '193 patent were commonly owned by AstraZeneca AB at the time the presently claimed invention was made, the '193 patent is disqualified under 103(c) as prior art. Accordingly, Applicants respectfully request the Office to withdraw this rejection.

**Objections**

Claim 9 has been objected to for depending upon rejected claim 1. Applicants respectfully assert this objection has been rendered moot by the disqualification of the prior art relied upon in rejecting claim 1. Accordingly, Applicants respectfully request the Office to withdraw this objection.

**Summary**

In view of the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance and respectfully solicit a Notice of Allowance. In order to expedite disposition of this case, the Office is invited to contact Applicants' representative at the telephone number below to resolve any remaining issues. Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any deficiency in fees or credit any overpayment to deposit account No. 26-0166, referencing Attorney Docket No. 101260-1P US.

Respectfully submitted,

/Jacqueline M. Cohen/

Name: Jacqueline M. Cohen  
Dated: May 20, 2008  
Reg. No.: 51,574  
Phone No.: 302-885-4269  
Intellectual Property, Patents  
AstraZeneca  
1800 Concord Pike  
Wilmington  
DE-19850-5437